

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Johnson, Landis, Schram and Vap present, and Commissioner Boyle excused. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

GENERAL ADMINISTRATION

Chairman Johnson introduced Rob Hotz who will be providing contractual legal services for the Commission.

Notice was duly published January 16, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held January 23, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Wednesday, January 24, 2007:

B-1689 Commission Library, Lincoln and Nebraska State Office
9:30 Building, Room 207, 1313 Farnam Street, Omaha.
In the Matter of Kountry Limousine Company, Bennington, seeking authority as a common carrier in Nebraska intra-state commerce in the transportation of passengers and their baggage in limousine service between points in Douglas, Washington, and Dodge counties and between points in said counties over irregular routes: RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Johnson sitting in for Commissioner Boyle as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3479/ In the Matter of the Commission, on its own motion, seeking
PI-107 comment on the implementation of the Federal Communications Commission's (FCC) requirement for all telecommunications carriers including wireline, wireless and payphone service providers to deploy the 811 code for use as a "One Call" number for access to the diggers hot line system by April 13, 2007. Commissioner Boyle presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to approve the recommended 811 directory language. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3665 In the Matter of Yestel USA, Inc., Lomita, California, seeking authority to operate as a resale carrier of intrastate interexchange telecommunication services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order scheduling a date of dismissal. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

C-3732 In the Matter of First Communications, LLC, Akron, Ohio, seeking authority to provide resold local exchange telecommunications services throughout the state of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Gene Hand informed the Commission that Nebraska Internet Enhancement Fund Advisory Board member Phil Bryan has resigned and requested approval to post a public notice seeking a candidate for the vacant seat. Upon agreement of all Commissioners present, the request to post notice was approved.

Gene Hand reported that revised Missoula Plan impact calculations based on more current data, including projections relative to adoption of the Federal Benchmark Mechanism put forward by the Early Adopter Task Force, are expected to be distributed to the states by January 24, 2007, and reply comments to the Federal Communications Commission in Docket 01-92 relative to the Missoula Plan are due February 1, 2007.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-018/ In the Matter of the Commission, on its own motion, seeking
PI-117 to establish audit requirements related to the Wireless
Enhanced 911 Fund: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for February 28, 2007 at 10:00 in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-50 In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26: Jeff Pursley discussed the Hearing Officer's order of January 18, 2007, extending the comment deadline from January 23, 2007 to February 2, 2007.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

Jeff Pursley discussed Late-Filed Carrier Remittances: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to accept Jeff Pursley's recommendation to file a complaint against Legacy Long Distance International, Budget Call Long Distance and Global Crossing Telecommunications, under the new fining policy; and grant the waiver request filed by Level 3 Communications for the late-filed worksheets of January, 2005 through November, 2006. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

NG-0039 In the Matter of Kinder Morgan, Inc., Houston, Texas; KM
NG-0040 Retail Utilities Holdco LLC, Houston, Texas; Source Gas
Distribution LLC, Lakewood, Colorado, Source Gas Holdings
LLC, Stamford, Connecticut; and Source Gas LLC, Stamford, Connecticut;
seeking approval of (1) the proposed transfer of Kinder Morgan, Inc.'s
Nebraska Certificate of Convenience and utility assets to Source Gas
Distribution LLC; and (2) the proposed change of control of Source Gas
Distribution LLC from Kinder Morgan, Inc. to Source Gas LLC and Kinder
Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston,
Texas; Source Gas Distribution LLC, Lakewood, Colorado, seeking
approval of asset transfer of jurisdictional utility assets. Commis-
sioner Vap presiding as Hearing Officer: Laura Demman discussed the
orders entered by the Hearing Officer revising procedural schedules
and canceling the technical hearings previously scheduled for January
17, 2007.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules and
#159 Regulations, to add rules for the administration of the
Telecommunications Relay Systems Act: Motion made by Com-
missioner Tim Schram, seconded by Commissioner Frank Landis, to enter
a Certificate of Adoption. Motion passed with Commissioners Tim
Schram, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Com-
missioner Anne Boyle excused not voting.

LEGISLATIVE REPORT

Motion made by Commissioner Frank Landis, seconded by Com-
missioner Tim Schram, to enter a resolution regarding 2007 Legislative
recommendations. Motion passed with Commissioners Rod Johnson, Frank
Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne
Boyle excused not voting.

TRANSPORTATION DEPARTMENT

B-1685 In the Matter of James E. & Rhonda Joneson, d/b/a Leisure Limousine and Sedan Service, Lincoln, seeking to acquire, through transfer, the certificate held by A & R Klassic Kars Limousine Service, LLC, in Certificate B-1599. Commissioner Landis presiding as Hearing Officer: The video hearing previously scheduled for January 18, 2007, was continued to February 7, 2007, at 9:30 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha.

B-1690 In the Matter of SDG Transportation, Inc., d/b/a Classic Limousine Service, Oakland, Iowa, seeking to acquire, through transfer, the certificate held by A & R Klassic Kars Limousine Service, LLC, in Certificate B-1599. Commissioner Landis presiding as Hearing Officer: The video hearing previously scheduled for January 18, 2007, was continued to February 7, 2007, at 9:30 a.m. in the Commission Library, Lincoln, and Nebraska State Office Building, Room 207, 2nd Floor, 1313 Farnam, Omaha.

Rate Division

LR-271 In the Matter of Brown's Crew Car of Wyoming, Inc., d/b/a Armadillo Express, Cheyenne, Wyoming, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

MR-1009/
PI-70 In the Matter of the Commission, on its own motion, seeking to initiate an investigation on range uniformity in the Official Intracity Household Goods Tariff 22 and to develop procedures for efficiently processing household goods mover tariff amendments: Mark Breiner advised the Commission that Amendment A was mailed out to all household goods movers.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was decreased to 52 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the following Commission invoice. Motion passed with Commissioners Tim Schram, Rod Johnson, Frank Landis and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

GENERAL ADMINISTRATION (Cont.)

Upon agreement of all Commissioners present, authorization was granted for Commissioner Landis to travel to and attend the Utility Rate Case Issues & Strategies Conference to be held in Las Vegas, Nevada from February 21 through February 24, 2007.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to grant authorization for Don Gray to travel to and attend the North American Numbering Council meetings to be held in Washington, DC, from February 12-13, 2007. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the request for modification of the budget request for fiscal years 07/08 and 08/09 for NUSF and E911. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve the surplus of two computer monitors #1469 and #1543. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

The meeting adjourned at 10:46 a.m. with Commissioners Johnson, Landis, Schram and Vap present, and Commissioner Boyle excused. The next regularly scheduled meeting will be held January 30, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on January 29, 2007.

Chairman

Executive Director